

**ACCESSIBILITY ADVISORY COUNCIL**  
**August 22, 2005**

**CONSENT AGENDA:**

**Cases 3 & 4 were withdrawn.**

**The Council unanimously recommended approval on:**

**Case # 2 – Misener Marine Construction was recommended approved based on the exemptions provided in F.S. 553.509 specifically exemption 2 related to storage areas and exemption 3 related to 5 or less persons and not open to the public.**

**Case #6 - Interactive Realty, Inc. was recommended approved based on the provisions of F.S. 553.512 related to 20% disproportionate cost.**

**Case #10 – St. Johns County Fairgrounds was recommended approved based on the provisions of F.S. 553.512 related to unnecessary.**

**The following cases were unanimously recommended for approval with conditions:**

**Case #1 – Greystone Hotel. This case was deferred in previous meetings for the applicant to provide additional information. The applicant is requesting a variance from providing vertical accessibility to all levels of a hotel undergoing alterations costing \$88,000. Based on the provided review form from the local Building Department, there was previous permitted work totaling \$200,000 in the last three years. Therefore, the total applicable alteration costs are \$288,000. The 20% allocation is \$57,600. The applicant provided cost estimates of \$12,500 for accessibility modifications. This still leaves \$45,100 to be applied towards accessibility. The applicant also provided an estimate to make the existing elevator operable of approximately \$41,000. Even though the elevator will not meet the required accessible dimensions, the Council recommended approval based on the provisions of F.S. 553.512 related to 20% disproportionate cost with the condition that the existing elevator is made operable.**

**Case #5 – Coolgrindz Coffee, LLC was recommended approved, with conditions, based on the provisions of F.S. 553.512 related to technical infeasibility. The conditions were that they dedicate seats on the first level for accessibility and provide a cost allocation of accessible features provided to DCA staff for approval.**

**Case #7 – Crandon Park International Tennis Center Stadium was recommended approved, with condition, based on the provisions of F.S. 553.512 related to unnecessary. The condition is that they provide drawings to DCA staff to confirm the placement of required companion seating adjacent to the 6 accessible seats in the four corners of the lower bowl.**

**Case #11 – Piave, LLC was recommended for approval, with conditions, based on the provisions of F.S. 553.512 related to disproportionate cost. The condition is that they provide an office on the first floor for equivalent facilitation.**

**The following cases were unanimously recommended for deferral:**

**Case #8 – Florida Marine Agency/Island Shipping Lines, Inc. was recommended to be deferred to allow the applicant to provide additional information related to allocation of cost for provided accessible features and to redraw plans to correct/verify accessible restrooms and to provide a conference room on the accessible floor.**

**Case #14 – Oseroff was recommended to be deferred as the applicant was not present. There was some question to whether this space was a medical facility and not eligible for a waiver from vertical accessibility. It is a strong recommendation that the applicant appear at the next regular meeting.**

**The following case was unanimously recommended for denial:**

**Case #13 – Xtreme Fun Center. The applicant is requesting a waiver from providing vertical accessibility to a new batting cage installed in an existing facility. The batting cage is elevated approximately 21 inches above the grade to allow for fall for the automatic ball retrieval system. The Council unanimously recommended denial based on a lack of hardship.**

**The following cases were unanimously recommended dismissed based on lack of jurisdiction:**

**Case #9 – R’Club. The applicant is requesting a variance from providing accessibility to all common use toilet rooms in a new day care center. Providing accessible to all new common toilet facilities is not a Florida specific requirement and is not in our jurisdiction to recommend waivers. Therefore, the Council unanimously recommended dismissing this case for lack of jurisdiction.**

**Case #12 – The Harbors. The applicant is requesting a waiver from providing vertical accessibility to a sundeck in a new townhouse community. Townhouses facilities are not frequented in, lived in, or worked in by the public and thereby not governed by the Florida Accessibility Code other than the clear opening of at least one bathroom. The townhouse community is governed by the Fair Housing Act. Therefore, the Council unanimously recommended this case to be dismissed for lack of jurisdiction.**

**Case #15 – Surfstyle Retail Store. This case was heard by both the Council and Commission early this year. The applicant at that time was granted a temporary waiver from providing vertical accessibility to a mezzanine for a period of one year. Alterations were being made to the retail space totaling \$460,000. There was no disproportionate cost or financial hardship. However, as a small business, the Council reached an agreement with the applicant at that time to give one year before providing vertical accessibility. This was supported by the Commission. The applicant has now hired legal council and is requesting to be reconsidered based on new information.**

**The Council does not believe they meet the evidentiary threshold. The applicant’s representative stated that they thought they could use a vertical lift. However, the local building official will not let them use the new state standard allowing vertical lifts to be used at a height more than 12 feet. They have not exhausted the avenue of appealing the case to the local board of adjustment and appeals. Also, a LULA can still be used and not be disproportionate to the overall cost of alteration. Therefore, the Council did not think the submitted circumstances were such that the applicant knew or should have known and unanimously recommended not to rehear or reconsider this case.**

